

REMARKS

Subsequent to the filing of a Notice of Appeal and an Appeal Brief by the Applicants, requesting the Board of Patent Appeals and Interferences to review the August 24, 2006 Final Office Action, the Examiner issued a new non-final Office Action on August 11, 2006. In this Office Action, the Examiner withdrew the finality of the previous Office Action on the basis that claims 29, 30, and 32 should not have been rejected with respect to the Simon reference (see August 11, 2006 Office Action, page 2, Detailed Action), while reiterating substantially the same grounds of rejections as those stated in the August 24, 2006 Final Office Action.

Although issuance of the August 11, 2006 Office Action appeared to be an effort by the Examiner to reopen the prosecution after appeal, this Office Action does not contain the form paragraph 12.187 for reopening of prosecution after filing of an appeal brief, as provided by MPEP §1207.04; nor does it contain any signature by a Supervisor Patent Examiner (SPE) indicating approval by the SPE of the reopening, as required by MPEP §1207.04.

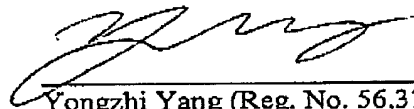
In order to clarify the status of the present application, the undersigned attorney contacted Examiner Pryor on September 25, 2006 via telephone and was informed by Examiner Pryor that the prosecution has been reopened in the present application.

MPEP §1204.01 provides that an appellant may reinstate an appeal after prosecution is reopened by filing a new Notice of Appeal in compliance with 37 C.F.R. §41.31 and a complete new appeal brief in compliance with 37 C.F.R. §41.37. MPEP §1204.01 further provides that any previously paid appeal fees, including the fees for filing the notice of appeal and the appeal brief, will be applied on the same application.

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Therefore, Applicants hereby reinstate the previously initiated appeal by filing a new Notice of Appeal, a copy of which is enclosed herewith. Because the \$500.00 fee for filing the Notice of Appeal has been previously paid upon filing of the February 25, 2005 Notice of Appeal, no additional fee is required for filing this new Notice of Appeal under the provisions of MPEP §1204.01. However, in the event that any fee becomes necessary for filing of this new Notice of Appeal, Applicants hereby authorize the Office to charge such fees, or credit any overpayment, to Deposit Account No. 05-1320.

Respectfully submitted,



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